

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-461 MJ

JUAN CARLOS HERNANDEZ,

Defendant.

NOTICE OF INTENTION TO ENTER GUILTY PLEA

COMES NOW, Defendant, Juan Hernandez, by and through attorney of record, Dennis Candelaria, and hereby gives notice that he intends to enter a guilty plea in this case. Defendant further acknowledges that the time period from May 14, 2014, to the date of the change of plea hearing, should be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161(h)(1)(D).1

United States v. Loughrin, 710 F.3d 1111, 1120 (10th Cir. 2013) (holding that a defendant's request to change his plea clearly constitutes a pretrial motion which triggers exclusion of time under the Speedy Trial Act, thus, the days between a notice of a change of plea and the change-of-plea hearing are excludable under the STA"); see also *United States v. Hunter*, 9 F. App'x 857, 859-60 (10th Cir. May 24, 2001) (holding that the filing of a notice that the defendant wanted to change his plea "is treated as a pretrial motion requiring a hearing for purposes of the Speedy Trial Act," and that "the entire period between notifying the court that [the defendant] wanted to change his plea and the change-of-plea hearing itself was excluded for purposes of the Speedy Trial Act.")

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
506 S. Main St., Suite 600
Las Cruces, New Mexico 88001
(575) 527-6930

filed electronically 5/16/14
By: /s/ Dennis Candelaria
Dennis Candelaria, AFD

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading has been served on
Assistant U.S. Attorney Marisa Lizarraga, by electronic filing on the CM/ECF court system, on
this 16th day of May, 2014.

filed electronically 5/16/14
By: /s/ Dennis Candelaria
Dennis Candelaria, AFD